

Senator Bullock moved that the Senate recess to 2:30 o'clock p. m., today.

Question first recurring on the motion of Senator Weinert, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Aikin	Taylor
Graves	Moore
Chadick	Ramsey
Lane	Stanford
Martin	Vick
Metcalfe	Weinert
Stone	York

Nays—11

Brown	Moffett
Bullock	Parrish
Crawford	Shivers
Jones	Sulak
Kelley	Winfield
Knight	

Absent

Morris	Lanning
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Absent—Excused

Carney	Mauritz
Hazlewood	Spears

Accordingly, the Senate, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

EIGHTY-SECOND DAY

(Saturday, June 2, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President:

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senate Winfield.

Senators Spears, Knight, Carney, and Morris were granted leaves of absence for today on account of important business on motion of Senator Winfield.

Reports of Standing Committees

Senator Sulak submitted the following report:

Austin, Texas,
June 2, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 438, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

SULAK, Chairman.

Austin, Texas,
June 2, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 836, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Senate Concurrent Resolution 39

Senator Taylor offered the following resolution:

S. C. R. No. 39, Relating to rules of eligibility for old age assistance.

Whereas, It has come to the attention of the Legislature that many aged people are transferring property both real, personal, and mixed to relatives in order that they may make themselves eligible for old age assistance,

and further that many aged people are failing to utilize all resources available to them before seeking or receiving old age assistance; and

Whereas, The law declares that assistance may be paid to needy aged people, but is not clear in regard to the eligibility of individuals who have transferred valuable property in order to establish legal need; and

Whereas, If such abuses of the law were terminated, the money available for paying assistance grants could be more equitably distributed among those meeting eligibility requirements; therefore be it

Resolved by the Senate, the House of Representatives concurring. That it is the sentiment and desire of the Texas Legislature that the State Department of Public Welfare adopt reasonable rules and regulations whereby a person who has made an assignment or transfer of property so as to render himself eligible for assistance may be excluded from the rolls, and whereby said property or the value of it, may be included in determining eligibility for assistance; and, be it further

Resolved, That it is the sentiment and desire of the Texas Legislature that the Department of Public Welfare, in considering "need," adopt reasonable rules and regulations whereby a person who fails to utilize all of his resources, including all property except a "resident" homestead occupied by him as a home, may be excluded from the rolls; and, be it further

Resolved, That a copy of this resolution be sent to each member of the Public Welfare Board and to the Executive Director.

TAYLOR
CHADICK

The resolution was read.

Senator Taylor moved that the resolution be considered immediately.

The motion prevailed by the following vote:

Yeas—20

Bullock	Metcalf
Chadick	Moore
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Taylor
Lane	Weinert
Lanning	Winfield
Martin	York

Nays—5

Aikin	Sulak
Brown	Vick
Moffett	

Absent

Parrish

Absent—Excused

Carney	Morris
Knight	Spears
Mauritz	

Question recurring on the resolution, it was adopted.

Report of Conference Committee on House Bill 301

Senator Lanning submitted the following report:

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, the members of your conference committee appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 301, have met and had same under consideration and recommend that House Bill No. 301 be passed in the form attached hereto.

LANNING
AIKIN
TAYLOR
WINFIELD

On the part of the Senate.

BUNDY
JONES
SADLER

On the part of the House.

A BILL

To Be Entitled

An Act providing for the construction of two (2) State office buildings and a garage; providing for the wrecking and removal of Walton Office Building, the repairing and reconditioning of quarters now occupied by certain Courts of Texas, and removal of law libraries of said Courts; providing certain construction requirements; providing for a Legislative and Business Council to assist and advise the State Board

of Control; providing for the location of said buildings; providing that one building be constructed to house certain businesses; providing for the construction of an underpass and tunnel connecting said buildings with Capitol; providing that certain buildings may be located adjacent to said underpass and tunnel; providing for the rental to tenants of garage and space for business by the Board of Control under certain conditions; making an appropriation for the biennium ending August 31, 1947, of Fifty Thousand Dollars (\$50,000) out of the General Revenue Fund to cover the cost of constructing and equipping said buildings, and expenses incidental thereto; directing the State Board of Control to employ certain personnel to prepare plans and specifications; making an appropriation for a maintenance crew of said buildings upon their completion; authorizing the State Board of Control to negotiate for the purchase of the Tribune Building, the real estate on which it is located, and all lands pertaining thereto, or used in connection therewith, in the City of Austin, Travis County, Texas; directing the Attorney General to prepare the contract for sale; directing the furnishing of an abstract of title covering such property; directing the examination and approval of title by the Attorney General; providing for the approval of the cost of the building, real estate, and lands by a majority of a Committee, the purchase price to be out of monies provided for in H. B. 818, of the Regular Session of the Forty-ninth Legislature; appropriating an additional Twenty Thousand (\$20,000) Dollars for the biennium beginning September 1, 1945, to cover maintenance and other miscellaneous items; providing for rent space on ground floor by the Board of Control; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That there may be constructed two (2) office buildings and a garage during the biennium ending August 31, 1947. Said buildings shall be located on any State owned property lying south and adjacent to the Capitol grounds as more fully described herein.

Section 2. That such buildings shall be constructed under the supervision of the State Board of Control with the assistance of a Legislative and Business Council, composed of a member of the House to be appointed by the Speaker, a member of the Senate, appointed by the Lieutenant Governor, the Speaker of the House, the Attorney General, and the Lieutenant Governor.

Section 3. Such buildings shall be of fireproof construction and shall be provided with modern improvements, particularly air conditioning, proper light, heat, and ventilation, and other necessary utilities.

Section 4. One of said buildings shall be designed to accommodate the Supreme Court of Texas and its Commission of Appeals; the Court of Criminal Appeals of Texas and its Commission of Appeals; the State's Attorney before the Court of Criminal Appeals; the Court of Civil Appeals, Third District; the Attorney General of Texas; and such other offices as space therein will permit. This building shall be known as the "State Courts Building."

Section 5. The other of said buildings shall be designed and constructed for office space only, except the ground floor which shall be designed to care for tenants engaged in such businesses as will best accommodate the needs of State officers and employees; especially, the drug, cafe, and barber business. The name of this building shall be the "State Office Building."

Section 6. That the "State Courts Building" shall be located on the lot of land now occupied by the Walton Building. Said lot more particularly described as follows:

The west half of the north 1/2 of Block 123, as shown on the Original Plot of the City of Austin.

Section 7. That the "State Office Building" shall be placed on the lot described as follows:

North 1/2 of Block 124 as shown by the Original Plot of the City of Austin. Said 1/2 block is bounded on the west by Colorado Street, on the North by Eleventh Street, on the east by Congress Avenue.

Section 8. That an underpass and tunnel shall be constructed between each of said new buildings and con-

necting with the basement of the State Capitol.

Section 9. That a garage shall be constructed that will accommodate not less than five hundred (500) cars, on the west end of the property upon which is located the "State Office Building." Said garage shall be so constructed that it will have an entrance on two (2) streets.

Section 10. None of the space provided for business of any kind or character, including the garage above provided for, shall ever be operated in the name of the State of Texas, but same will be rented to the highest bidder for cash, payable monthly in advance, upon such terms and conditions as may be prescribed by the State Board of Control.

Section 11. In addition to the purposes and intention of this bill as hereinabove set out, it is the further legislative intent and purpose that the construction provided for shall be a part of the postwar building program, to the end that employment will be made available to returning exservice men and women, and it is herein specifically provided that honorably discharged men and women from the armed forces of this State and Nation will be given priority of employment in the construction of such buildings, and that the contract, or contracts, and all sub-contracts for the construction thereof, will so specifically provide.

Section 12. There is hereby appropriated for the biennium ending August 31, 1947, the sum of Fifty Thousand (\$50,000) Dollars out of the General Revenue Fund for the purpose of constructing said office buildings, garage, underpass and tunnel, and for the further purpose of defraying the legal, architectural, engineering, and inspection expenses connected therewith.

Out of this appropriation the said Board of Control is hereby authorized and directed to employ a Registered Architect or Architectural Firm or firms (hereinafter referred to as the Architects), in private practice, on a customary fee basis for the preparation of preliminary sketches, plans and specifications, and for the supervision of the construction of said buildings.

The Architects so selected and em-

ployed shall, in turn, employ registered Professional Engineers for the design of the structural and the mechanical phase of said buildings, said Professional Engineers to be satisfactory to the said Board of Control. The Architects shall submit all preliminary designs to said Board of Control and receive approval before beginning preparation of working plans and specifications, shall at all times consult with the Board of Control and, upon completion of said plans and specifications, secure the approval of same from the Board of Control.

Section 13. In addition to the above appropriations, there is hereby appropriated for the biennium ending August 31, 1947, the sum of Twenty-five Thousand (\$25,000) Dollars out of the General Revenue Fund of the State, or so much thereof as is necessary, to wreck and remove the old Walton Building from its present site, and to pay expenses of whatsoever kind as are necessary for such purposes.

Section 14. There is appropriated out of the General Revenue Fund of the State of Texas for use during the biennium ending August 31, 1947, the sum of Ten Thousand (\$10,000) Dollars for the purpose of repairing and reconditioning the quarters now occupied by the Supreme Court of Texas, Court of Criminal Appeal of Texas, and the Third Court of Civil Appeals of Texas, for the use and convenience of members of the Texas Legislature.

Section 15. There is hereby appropriated out of the General Revenue Fund of the State of Texas the further sum of Two Thousand Dollars (\$2,000) for removing the law libraries of said Courts and of the Attorney General of Texas to the "State Courts Building."

Section 16. Upon completion of the office buildings herein provided for, there is hereby appropriated to the Board of Control for the fiscal year ending August 31, 1947, the additional sum of money for the payment of salaries of a maintenance crew at a sum per month for each employee not to exceed the sum paid for same or similar services in comparable service.

	Year Ending August 31, 1947
1. Four (4) elevator operators at \$1,500.00 per year	\$ 6,000.00
2. Eleven (11) janitors at not to exceed \$80.00 per month	10,560.00
3. One (1) foreman of buildings at not to exceed \$1,800.00 per year	1,800.00
4. Janitor supplies, water, lights, gas, power, and other miscellaneous items and contingent expenses	15,000.00

Section 17. The State Board of Control is hereby authorized to negotiate as soon as possible for the purchase for the State of Texas the Tribune Building in the City of Austin, Texas, and the real estate upon which said building is located, as well as all other land and improvements pertaining thereto, or used in connection therewith for parking purposes or for any other purpose, from the owners thereof at a cost not to exceed the estimate fixed, after due appraisal by the State Engineers, and only then upon the approval of a majority of the following: The Speaker of the House, a Member of the House to be selected by the Speaker of the House, the Lieutenant Governor, a Member of the Senate to be selected by the Lieutenant Governor, the Attorney General of Texas, and the Chairman of the Board of Control.

Section 18. The contract for the purchase of said real estate by the State Board of Control under the provisions of this Act shall be prepared by the Attorney General of the State of Texas upon such terms as may be legally agreed on by the parties to the sale. It shall be the duty of the State Board of Control to require of the owner of such premises the preparation and delivery of an abstract of title of any property sought to be purchased and to submit the same to the Attorney General of Texas for examination, and the contract for purchase shall be conditioned upon the merchantability of title as evidenced by a written opinion of the Attorney General, and none of the funds provided for in this Act shall be paid until such title is declared to be good and merchantable and a legal transfer made, all as approved by the Attorney general.

Section 19. There is hereby appropriated the sum of Twenty Thousand (\$20,000) Dollars out of any unappropriated monies in the State Treasury for the purpose of paying utility bills, elevator operators, porters, guards, and any other maintenance costs and salaries of whatsoever nature and kind, for the biennium beginning September 1, 1945, and ending September 1, 1947; provided that no such salary, or salaries, shall exceed the salary, or salaries now being paid for the same, or similar, positions in departmental service, and further provided that in the event the aforesaid sum is not sufficient to take care of such expenses for the ensuing biennium, that an additional sum, or sums, is hereby appropriated out of the eleemosynary funds of the State of Texas in such amount as may be necessary to pay such expenses.

Section 20. The Board of Control is authorized, in the event such a procedure is economically advisable, to rent space on the ground floor and in the basement for commercial business upon open bids for same.

Section 21. The purchase price of the said Tribune Building, real estate and land shall be paid out of the funds appropriated and provided for in and in the manner set out in House Bill No. 818 of the Regular Session of the 49th Legislature, and provided further that the sum for the cost of two office buildings as described in this Act shall be appropriated out of and provided in the manner set out in House Bill No. 818 of the Regular Session of the 49th Legislature.

Section 22. The fact that annually the State pays large amounts of money for rent in Austin for office space which is inadequate for the needs of the State and the further fact that those State Departments and Courts which have offices in the Capitol do not have sufficient space for their personnel and records, and the further fact that the construction of said buildings herein provided for will result in large savings of money to the State, create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three separate days in each House, and the same is hereby suspended, and that this Act shall take effect and be in force from and

and after its passage, and it is so enacted.

The report was read and was adopted.

Record of Vote

Senator Knight asked to be recorded as voting "nay" on the adoption of the report.

Senate Resolution 87

(Delegates to Meetings of the Council of State Governments)

Senator Moffett offered the following resolution:

Whereas, the Council of State Governments is an active organization which seeks to solve problems that arise between two States or between groups of States or between Regions within the United States, and to some degree seeks to preserve State's Rights against the encroachment of Federal Agencies; and

Whereas, the Council of State Governments contemplates Regional meetings during the next two years, when transportation conditions will permit, in which representatives of the Texas Legislature should participate; and

Whereas, within the past two years, some members of the Texas Senate have attended these Regional meetings at their own expense in order that the State of Texas might be represented and receive the benefits derived from participation in said meetings; and

Whereas, other States pay the actual and necessary traveling expenses of representatives from said States; now, therefore, be it

Resolved, That the members of the Committee on Interstate Cooperation of the Senate of the 49th Legislature are hereby authorized to attend any official meeting called by the Council of State Governments, as a representative of the Senate of the State of Texas, and that actual and necessary expenses incurred by said members while in attendance at said meetings are hereby authorized to be paid out of the contingent expense fund; provided that this authorization shall not be for more than two members of said Committee on Interstate Cooperation at any official meeting of the Council of State Governments; pro-

vided that the Lieutenant Governor shall designate the two members who shall officially represent the Texas Senate at a particular meeting; and provided that itemized accounts of said actual and necessary expenses shall be filed with the Chairman of the Senate Contingent Expense Committee under oath.

SULAK
MOFFETT

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 2, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate the the House has passed the following bills and resolutions:

The House has adopted the Conference Committee Report on House Bill No. 301 by a vote of 88 yeas and 38 nays.

S. C. R. No. 38, Authorizing the Enrolling Clerk of the House to make certain changes in H. B. 173.

The House has concurred in Senate amendments to House Bill No. 230 by a vote of 107 yeas and 9 nays.

The House has concurred in Senate amendments to House Bill No. 878 by a vote of 112 yeas.

The House has concurred in Senate amendments to House Bill No. 377 by a vote of 108 yeas.

The House has adopted the Conference Committee Report on House Bill No. 426 by a vote of 111 yeas.

The House has concurred in Senate amendments to House Bill No. 309 by a vote of 110 yeas and 8 nays.

S. B. No. 269, To amend Section 2a, and Section 3 of Article 6053 of the Revised Civil Statutes of Texas of 1925, as amended, by providing that all containers and pertinent equipment used or to be used for storage, transporting and/or dispensing of liquefied petroleum gases, together with appliances using or to use said gas, shall be designed, constructed, assembled, equipped as specified by the rules and regulations of

the Railroad Commission. With amendments.

S. B. No. 299, An Act amending Article 6078, Revised Civil Statutes of Texas, 1925, as amended, providing for the Commissioners Court to maintain County Parks.

S. B. No. 271, An Act giving a method of computing amount in controversy for jurisdictional purposes, where parties properly join in one suit; and declaring an emergency.

H. B. No. 46, Providing for the filing of annual statements of cemetery perpetual care funds by perpetual care cemeteries, providing for the payment of filing fees to accompany such statements.

H. B. No. 322, Making it unlawful for any public official, employee or other person whatsoever to remove or impound or cause to be removed or impounded any motor vehicle without due process of law or without the permission of the lawful owner of the vehicle, with certain exceptions.

H. B. No. 634, Amending Section 1, House Bill No. 57, Chapter 442, Acts of the Forty-fourth Legislature, Second Called Session, 1935; and declaring an emergency.

H. B. No. 736, Creating the Dallas County Flood Control District in Dallas County, Texas, and defining its powers.

S. B. No. 272, An Act appropriating the sum of Three Thousand Five Hundred Dollars (\$3,500.00) or so much thereof as may be necessary to satisfy, according to the terms thereof, the judgment rendered against the State of Texas in favor of the Mount Olivet Cemetery Company of Fort Worth, Tarrant County, Texas, in Cause No. 25570-A, in the 96th District Court of Tarrant County, Texas, etc., and declaring an emergency.

Enrolling Clerk of the Senate is authorized by unanimous consent to re-number sections of Senate Bill 269.

S. B. No. 303, An Act to amend Section 1 of House Bill No. 110, Chapter 453, Acts of 1935, 44th Legislature, Second Called Session, (listed in Vernon's Annotated Civil Statutes of Texas as Article 1015c, Section 1 thereof), so as to include picture

theaters and picture shows in certain projects which cities, towns and villages of less than one thousand (1,000) inhabitants are authorized and empowered to build and purchase, mortgage and encumber. With amendments.

S. B. No. 314, An Act to amend House Bill No. 668, Chapter 313, Acts of 1935, 44th Legislature, Regular Session, (listed as Article 1351a, V. A. P. C.), by adding a new Section thereto, immediately following Section 2 thereof, to be known as Section 2-a, providing for injunctive relief in addition to other remedies provided in said Chapter.

H. C. R. No. 120, Recalling House Bill No. 121 from the Governor's office.

The House refused to adopt Conference Committee Report on S. B. No. 167, and requests the appointment of a new Conference Committee, by vote of 65 yeas, and 50 nays. The following conferees were appointed on the part of the House: Lock of Angelina, White, Greer, Leonard, Crosthwait.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

Senate Resolution 88

(Session of Senate to Consider Nominations of Governor)

Senator Moore offered the following resolution:

Be it Resolved by the Forty-ninth Senate of Texas That:

The Forty-ninth Senate of Texas shall meet and convene in session in the Senate Chamber at Austin, Texas, on the eighth day of January, 1946, at 12 o'clock noon for the purpose of acting on and confirming or rejecting such appointments and nominations of the Governor as the Constitution and laws of the State require the Senate to act upon and confirm or reject.

MOORE
KNIGHT
GRAVES
SPEARS
STANFORD
CRAWFORD
LANNING
MARTIN
VICK
SULAK
YORK

The resolution was read.

Senator Lanning moved the previous question on the resolution, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—15

Bullock	Martin
Chadick	Moore
Crawford	Parrish
Graves	Stanford
Hazlewood	Sulak
Jones	Vick
Kelley	Winfield
Lanning	

Nays—7

Aikin	Moffett
Brown	Ramsey
Lane	Weinert
Metcalf	

Absent

Stone	York
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Absent—Excused

Carney	Mauritz
Knight	

Paired

Senator Taylor (present), who would vote "nay" with Senator Spears (absent), who would vote "yea."

Senator Shivers (present), who would vote "nay" with Senator Morris (absent), who would vote "yea."

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—12

Bullock	Lanning
Crawford	Martin
Graves	Moore
Hazlewood	Parrish
Kelley	Stanford
Lane	Vick

Nays—10

Aikin	Moffett
Brown	Ramsey
Chadick	Sulak
Jones	Weinert
Metcalf	Winfield

Absent

Stone	York
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Absent—Excused

Carney	Mauritz
Knight	

Paired

Senator Shivers (present), who would vote "nay" with Senator Morris (absent), who would vote "yea."

Senator Taylor (present), who would vote "nay" with Senator Spears (absent), who would vote "yea."

Senate Resolution 86

Senator Chadick moved to take up for consideration at this time, Senate Resolution No. 86 (providing for appointment of a committee to investigate the natural gas resources of the State) the resolution having been introduced and referred to the Committee on Finance on yesterday.

The motion prevailed.

The President laid the resolution before the Senate, and it was read second time.

The resolution was adopted.

House Concurrent Resolution 120

On motion of Senator Winfield, and by unanimous consent, the following resolution was taken up for consideration at this time.

H. C. R. No. 120, Recalling House Bill No. 121 from the Governor's office and amending the caption of the bill.

The resolution was read and was adopted by the following vote:

Yeas—25

Aikin	Moore
Brown	Parrish
Bullock	Ramsey
Chadick	Shivers
Crawford	Stanford
Graves	Stone
Hazlewood	Sulak
Jones	Taylor
Kelley	Vick
Lane	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Absent

Lanning

Absent—Excused

Carney	Morris
Knight	Spears
Mauritz	

Relating to Consideration of Local and
Uncontested Bills

Senator Taylor, at 10:50 o'clock a. m., moved that the Senate consider only local and uncontested bills to which there is no objection until 12:00 o'clock m., today.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moore
Brown	Parrish
Bullock	Ramsey
Chadick	Shivers
Crawford	Stanford
Graves	Stone
Hazlewood	Sulak
Kelley	Taylor
Lane	Vick
Lanning	Weinert
Metcalf	Winfield
Moffett	York

Nays—2

Jones	Martin
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Absent—Excused

Carney	Morris
Knight	Spears
Mauritz	

Senator Martin moved to reconsider the vote by which the motion of Senator Taylor prevailed.

Senator Metcalfe raised a point of order against the motion of Senator Martin on the ground that he did not vote on the prevailing side.

The President sustained the point of order.

Senator Weinert then moved to reconsider the vote by which the motion of Senator Taylor prevailed.

The motion to reconsider prevailed by the following vote:

Yeas—14

Brown	Martin
Bullock	Ramsey
Crawford	Stanford
Graves	Sulak
Hazlewood	Weinert
Jones	Winfield
Kelley	York

Nays—11

Aikin	Parrish
Chadick	Shivers
Lane	Stone
Lanning	Taylor
Metcalf	Vick
Moffett	

Absent

Moore

Absent—Excused

Carney	Morris
Knight	Spears
Mauritz	

Senator Martin moved as a substitute for the motion of Senator Taylor that the Senate consider only local bills for a period of 30 minutes beginning at 10:20 o'clock a. m. Monday, June 4, 1945.

Question first recurring on the substitute motion of Senator Martin, it prevailed by the following vote:

Yeas—15

Brown	Parrish
Bullock	Ramsey
Crawford	Shivers
Graves	Stanford
Jones	Stone
Kelley	Weinert
Martin	Winfield
Moore	

Nays—10

Aikin	Moffett
Hazlewood	Sulak
Lane	Taylor
Lanning	Vick
Metcalf	York

Absent

Chadick

Absent—Excused

Carney	Morris
Knight	Spears
Mauritz	

Question then recurring on the motion of Senator Taylor as substituted by the motion of Senator Martin it prevailed by the following vote:

Yeas—18

Aikin	Chadick
Brown	Crawford
Bullock	Kelley

Lane	Stanford
Lanning	Stone
Martin	Taylor
Parrish	Weinert
Ramsey	Winfield
Shivers	York

Nays—6

Hazlewood	Moffett
Jones	Sulak
Metcalfe	Vick

Absent

Moore

Absent—Excused

Carney	Mauritz
Graves	Morris
Knight	Spears

Accordingly, it was ordered that the Senate consider for a period of 30 minutes beginning at 10:20 o'clock a. m. Monday, June 4, 1945, only local bills to which there is no objection.

Report of Committee on State Affairs on House Bill 736

Senator Graves moved that the rules be suspended to permit a report of the committee to which it was referred to be submitted at this time on H. B. No. 736.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Moore
Bullock	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York

Absent—Excused

Carney	Morris
Knight	Spears
Mauritz	

Senator Martin then submitted the following report:

Austin, Texas,
June 2, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State

Affairs, to whom was referred H. B. No. 736, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Chairman.

House Concurrent Resolution 34

Senator Stanford moved that the regular order of business be suspended to take up H. C. R. No. 34 for consideration at this time.

The motion prevailed by the following vote:

Yeas—18

Aikin	Martin
Bullock	Moffett
Chadick	Moore
Crawford	Parrish
Graves	Shivers
Hazlewood	Stanford
Kelley	Stone
Lane	Winfield
Lanning	York

Nays—8

Brown	Sulak
Jones	Taylor
Metcalfe	Vick
Ramsey	Weinert

Absent—Excused

Carney	Morris
Knight	Spears
Mauritz	

The President then laid before the Senate for consideration at this time.

H. C. R. No. 34, Creating a Hospital Survey Commission to make a comprehensive survey of existing hospital facilities, to make recommendations for improvements, and to serve in conjunction with any and all Federal agencies.

The resolution was read and was adopted.

(Pending consideration of the resolution, Senators Taylor and Winfield occupied the Chair temporarily.)

(President in the Chair.)

Motion to Place House Bill 161 on Second Reading

Senator Jones called up for consideration at this time, the motion made by him on yesterday, to suspend the

regular order of business to place House Bill No. 161 on second reading and passage to third reading.

Question—Shall the motion prevail?

The motion was lost by the following vote (not receiving the necessary two-thirds vote:)

Yeas—17

Brown	Moffett
Chadick	Moore
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Lane	Weinert
Metcalf	

Nays—10

Aikin	Parrish
Bullock	Taylor
Knight	Vick
Lanning	Winfield
Martin	York

Absent—Excused

Carney	Morris
Mauritz	Spears

Senate Bill 303 With House Amendments

Senator Brown called S. B. No. 303 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Brown moved that the Senate concur in the House amendments.

The motion prevailed.

Motion to Place House Bill 34 on Second Reading

Senator Knight moved that the regular order of business be suspended to take up House Bill No. 34 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14

Bullock	Jones
Crawford	Kelley
Graves	Knight

Lane
Martin
Parrish
Shivers

Stone
Sulak
Winfield
York

Nays—11

Aikin	Ramsey
Chadick	Stanford
Hazlewood	Taylor
Lanning	Vick
Moffett	Weinert
Moore	

Absent—Excused

Carney	Mauritz
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Paired

Senator Brown (present), who would vote "nay" with Senator Spears (absent) who would vote "yea."

Senator Metcalfe (present), who would vote "nay" with Senator Morris (absent) who would vote "yea."

(Senator Winfield in the Chair.)

House Bill 127 on Second Reading

Senator Metcalfe moved to suspend the regular order of business to take up House Bill No. 127, for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Jones	Stone
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York

Nays—1

Shivers

Absent

Hazlewood	Sulak
Parrish	

Absent—Excused

Carney	Morris
Mauritz	

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 127, A bill to be entitled "An Act regulating and licensing convalescent homes; defining terms; providing for inspection and reports; and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 127, by adding at the end of Section 2 the following: "Provided, however, any place or establishment operating as a hotel, hospital, inn, tourist camp or similar establishment shall not come under the provisions of this Act."

The amendment was adopted.

On motion of Senator Metcalfe, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

House Bill No. 127 was then passed to third reading.

House Bill 127 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 127 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Bullock	Moore
Carney	Ramsey
Chadick	Spears
Crawford	Stanford
Graves	Stone
Jones	Taylor
Kelley	Vick
Knight	Weinert
Lane	Winfield
Lanning	York
Martin	
Metcalfe	

Nays—1

Shivers

Absent

Hazlewood Sulak
Parrish

Absent—Excused

Brown Morris
Mauritz

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Shivers asked to be recorded as voting "nay" on the passage of the bill.

House Bill 879 on Second Reading

Senator Kelley moved to suspend the regular order of business to take up House Bill No. 879 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Brown	Moore
Bullock	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Martin	Winfield
Metcalfe	York
Moffett	

Nays—1

Aikin

Absent

Lanning

Absent—Excused

Carney Morris
Mauritz Spears

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 879, A bill to be entitled "An Act making an appropriation of Ten Thousand Dollars (\$10,000.00) to the enforcement fund of the Livestock Sanitary Commission; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 879 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be

read on three several days be suspended and that H. B. No. 879 be placed on its third reading an final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Carney	Morris
Mauritz	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Brown	Moffett
Bullock	Moore
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Nays—1

Aikin

Absent—Excused

Carney	Morris
Mauritz	Spears

(President in the Chair.)

Conference Committee on Senate Bill 167

Senator Aikin called for the consideration at this time of the request of

the House for a new conference committee to adjust the differences between the two Houses on S. B. No. 167 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Lanning, Aikin, Martin, Metcalfe, and Morris.

House Bills on First Reading

The following House bills received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 46, to Committee on State Affairs.

H. B. No. 736, to Committee on State Affairs.

H. B. No. 634, to Committee on Civil Jurisprudence.

H. B. No. 322, to Committee on Criminal Jurisprudence.

Senate Bill 351 on First Reading

Senator Lanning moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Moore
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Nays—1

Bullock

Absent—Excused

Carney	Morris
Mauritz	Spears

The following bill then was introduced, read first time and referred to the Committee on State Affairs.

By Senator Lanning:

S. B. No. 351, A bill to be entitled "An Act amending Section 1 of Senate Bill 28 passed in the Regular Session of the Forty-sixth Legislature by adding thereto on line 11, between the words "emergency" and "supplementing" insert "or where such building is used for classroom or non-remunerative purposes."

House Bill 484 on Second Reading

Senator Stone moved that the regular order of business be suspended and that House Bill No. 484 be placed on its second reading and passage to third reading.

Question—Shall the motion prevail?

Adjournment

Senator Sulak moved that the Senate adjourn until 10:00 o'clock a. m., Monday, June 4, 1945.

Senator Stanford moved that the Senate recess to 2:30 o'clock p. m., today.

Question first recurring on the motion of Senator Sulak, it prevailed by the following vote:

Yeas—16

Aikin	Moore
Bullock	Ramsey
Chadick	Shivers
Crawford	Sulak
Jones	Taylor
Lane	Vick
Lanning	Weinert
Metcalf	Winfield

Nays—10

Brown	Martin
Graves	Moffett
Hazlewood	Parrish
Kelley	Stanford
Knight	Stone

Absent

York

Absent—Excused

Carney	Morris
Mauritz	Spears

The Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, June 4, 1945.

EIGHTY-THIRD DAY

(Monday, June 4, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, June 2, 1945, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Spears and Carney were granted leaves of absence for today on account of important business on motion of Senator Winfield.

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senator Winfield.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Aikin.

Communication from State Commander of Disabled American Veterans

On motion of Senator Moffett, the following communication from Hon. D. M. Perkins, State Commander of Disabled American Veterans, was ordered printed in the Journal:

Austin, Texas,
June 2, 1945.

Hon. John Lee Smith,
President of the Texas Senate,
Austin, Texas.